

ADRMOPTERM,STAYED

**U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:17-cv-01970-SBA**

ACLU of Hawai'i et al v. US Dept of Homeland Security
Assigned to: Hon. Sandra Brown Armstrong
Cause: 05:552 Freedom of Information Act

Date Filed: 04/10/2017
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

ACLU of Northern California

represented by **Leah Farrell**
ACLU of Utah
355 N 300 W
Salt Lake City, UT 84103
801-871-0335
Email: lfarrell@acluutah.org
ATTORNEY TO BE NOTICED

Linda Lye
ACLU Foundation of Northern California, Inc.
39 Drumm Street
San Francisco, CA 94111
(415) 621-2493
Fax: (415) 255-8437
Email: lye.linda@gmail.com
TERMINATED: 11/16/2018
ATTORNEY TO BE NOTICED

Mateo Caballero
ACLU of Hawaii
PO Box 3410
Honolulu, HI 96801
808-522-5908
Fax: 808-522-5909
Email: mcaballero@acluhawaii.org
ATTORNEY TO BE NOTICED

Mollie M Lee
American Civil Liberties Union of Northern California
39 Drumm Street
San Francisco, CA 94111
4156212493
Email: mlee@aclunc.org
ATTORNEY TO BE NOTICED

Thomas R. Burke
Davis Wright Tremaine LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111-6533
415/276-6500
Fax: 415/276-6599
Email: thomasburke@dwt.com
ATTORNEY TO BE NOTICED

Plaintiff

ACLU of Hawai'i

represented by **Leah Farrell**
(See above for address)
ATTORNEY TO BE NOTICED

Linda Lye
(See above for address)
TERMINATED: 11/16/2018
ATTORNEY TO BE NOTICED

Mateo Caballero
(See above for address)
ATTORNEY TO BE NOTICED

Thomas R. Burke
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

ACLU of Utah

represented by **Leah Farrell**
(See above for address)
ATTORNEY TO BE NOTICED

Linda Lye
(See above for address)
TERMINATED: 11/16/2018
ATTORNEY TO BE NOTICED

Mateo Caballero
(See above for address)
ATTORNEY TO BE NOTICED

Thomas R. Burke
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

United States Department of Homeland Security

represented by **Matthew J. Berns**
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW
Washington, DC 20530
202-616-8016
Email: Matthew.J.Berns@usdoj.gov
TERMINATED: 08/28/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Bickford
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Washington, DC 20530
202-305-7632
Email: James.Bickford@usdoj.gov
ATTORNEY TO BE NOTICED

Patil Chetan
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., NW
Room 7109
Washington, DC 20530
202-305-4968
Fax: 202-616-8470
Email: chetan.patil@usdoj.gov

TERMINATED: 08/28/2017
ATTORNEY TO BE NOTICED

Defendant

**United States Customs and Border
Protection**

represented by **Matthew J. Berns**
(See above for address)
TERMINATED: 08/28/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Bickford
(See above for address)
ATTORNEY TO BE NOTICED

Patil Chetan
(See above for address)
TERMINATED: 08/28/2017
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/10/2017	<u>1</u>	COMPLAINT <i>for Declaratory and Injunctive Relief for Violation of the Freedom of Information Act, 5 U.S.C. § 552 et seq.</i> against United States Customs and Border Protection, United States Department of Homeland Security (Filing fee \$ 400, receipt number 0971-11300996.). Filed by ACLU of Northern California, ACLU of Utah, ACLU of Hawai'i. (Attachments: # <u>1</u> Exhibit Exhibit A to Complaint, # <u>2</u> Exhibit Exhibit B to Complaint, # <u>3</u> Exhibit Exhibit C to Complaint)(Burke, Thomas) (Filed on 4/10/2017) (Entered: 04/10/2017)
04/10/2017	<u>2</u>	Civil Cover Sheet by ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah . (Burke, Thomas) (Filed on 4/10/2017) (Entered: 04/10/2017)
04/10/2017	<u>3</u>	Proposed Summons. (Burke, Thomas) (Filed on 4/10/2017) (Entered: 04/10/2017)
04/10/2017	<u>4</u>	MOTION for leave to appear in Pro Hac Vice Re: Mateo Cabellero (Filing fee \$310, receipt number 0971-11303686) filed by ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah. (Attachments: # <u>1</u> Certificate of Good Standing)(Caballero, Mateo) (Filed on 4/10/2017) Modified on 4/11/2017 (cjlS, COURT STAFF). (Entered: 04/10/2017)
04/10/2017	<u>5</u>	Case assigned to Hon. Sandra Brown Armstrong. Counsel for plaintiff or the removing party is responsible for serving the Complaint or Notice of Removal, Summons and the assigned judge's standing orders and all other new case documents upon the opposing parties. For information, visit <i>E-Filing A New Civil Case</i> at http://cand.uscourts.gov/ecf/caseopening . Standing orders can be downloaded from the court's web page at www.cand.uscourts.gov/judges . Upon receipt, the summons will be issued and returned electronically. Counsel is required to send chambers a copy of the initiating documents pursuant to L.R. 5-1(e)(7). A scheduling order will be sent by Notice of Electronic Filing (NEF) within two business days. (haS, COURT STAFF) (Filed on 4/10/2017) (Entered: 04/10/2017)
04/11/2017	<u>6</u>	NOTICE of Appearance by Linda Lye (Lye, Linda) (Filed on 4/11/2017) (Entered: 04/11/2017)
04/11/2017	<u>7</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 7/5/2017. Case Management Conference set for 7/12/2017 02:30 PM. (cjlS, COURT STAFF) (Filed on 4/11/2017) (Entered: 04/11/2017)
04/11/2017	<u>8</u>	Summons Issued as to United States Customs and Border Protection, United States Department of Homeland Security, U.S. Attorney. (cjlS, COURT STAFF) (Filed on 4/11/2017) (Entered: 04/11/2017)

04/12/2017	<u>9</u>	MOTION for leave to appear in Pro Hac Vice <i>Re: Leah Farrell</i> (Filing fee \$ 310, receipt number 0971-11308522.) filed by ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah. (Attachments: # <u>1</u> Exhibit Certificate of Good Standing)(Farrell, Leah) (Filed on 4/12/2017) (Entered: 04/12/2017)
04/12/2017	<u>10</u>	Order by Hon. Saundra Brown Armstrong granting <u>4</u> Motion for Pro Hac Vice by Mateo Caballero.(dtmS, COURT STAFF) (Filed on 4/12/2017) (Entered: 04/12/2017)
04/12/2017	<u>11</u>	Order by Hon. Saundra Brown Armstrong granting <u>9</u> Motion for Pro Hac Vice by Leah Farrell.(dtmS, COURT STAFF) (Filed on 4/12/2017) (Entered: 04/12/2017)
04/25/2017	<u>12</u>	CASE MANAGEMENT SCHEDULING ORDER FOR ASSIGNED CIVIL CASE. Joint Case Management Statement due by 7/6/2017. Telephonic Case Management Conference set for 7/13/2017 02:30 PM. Signed by Judge Saundra B Armstrong on 4/25/17. (dtmS, COURT STAFF) (Filed on 4/25/2017) (Entered: 04/25/2017)
05/08/2017	<u>13</u>	NOTICE of Appearance by Matthew J. Berns (Berns, Matthew) (Filed on 5/8/2017) (Entered: 05/08/2017)
05/08/2017	<u>14</u>	NOTICE of Appearance by Patil Chetan (Chetan, Patil) (Filed on 5/8/2017) (Entered: 05/08/2017)
05/08/2017	<u>15</u>	NOTICE by United States Customs and Border Protection, United States Department of Homeland Security <i>of Motion filed with the JPML to Transfer Action Pursuant to 28 U.S.C. 1407</i> (Attachments: # <u>1</u> Index of Exhibits, # <u>2</u> Exhibit 1 – Transfer Motion, # <u>3</u> Exhibit 2 – Supporting Memorandum, # <u>4</u> Exhibit 3 – Schedule of Actions)(Berns, Matthew) (Filed on 5/8/2017) (Entered: 05/08/2017)
05/10/2017	<u>16</u>	STIPULATION WITH PROPOSED ORDER <i>regarding extension of time to respond to Complaint</i> filed by United States Customs and Border Protection, United States Department of Homeland Security, ACLU of Hawai'i, ACLU of Northern California and ACLU of Utah. (Chetan, Patil) (Filed on 5/10/2017) Modified on 5/11/2017 (jmlS, COURT STAFF). (Entered: 05/10/2017)
05/10/2017	<u>17</u>	MOTION to Stay <i>Proceedings pending decision by Judicial Panel on Multidistrict Litigation on Defendants' Motion to Transfer</i> filed by United States Customs and Border Protection, United States Department of Homeland Security. Motion Hearing set for 6/14/2017 01:00 PM in Courtroom 210, 2nd Floor, Bankruptcy Court, Oakland before Hon. Saundra Brown Armstrong. Responses due by 5/24/2017. Replies due by 5/31/2017. (Attachments: # <u>1</u> Declaration of Matthew J. Berns)(Chetan, Patil) (Filed on 5/10/2017) (Entered: 05/10/2017)
05/11/2017	<u>18</u>	Order by Hon. Saundra Brown Armstrong granting <u>16</u> Stipulation re Extension of Time to Respond to Complaint.(dtmS, COURT STAFF) (Filed on 5/11/2017) (Entered: 05/11/2017)
05/11/2017		Set Deadlines/Hearings: Joint Case Management Statement due by 8/23/2017. Telephonic Case Management Conference set for 8/30/2017 02:30 PM. (dtmS, COURT STAFF) (Filed on 5/11/2017) (Entered: 05/11/2017)
05/24/2017	<u>19</u>	OPPOSITION/RESPONSE (re <u>17</u> MOTION to Stay <i>Proceedings pending decision by Judicial Panel on Multidistrict Litigation on Defendants' Motion to Transfer</i>) <i>Opposition to Defendants' Motion to Stay Proceedings</i> filed by ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah. (Burke, Thomas) (Filed on 5/24/2017) Modified on 5/24/2017 (jmlS, COURT STAFF). (Entered: 05/24/2017)
05/31/2017	<u>20</u>	NOTICE by ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah <i>of Filing Opposition to Defendants' Motion to Transfer to District of Columbia for Consolidation</i> (Attachments: # <u>1</u> Exhibit Memorandum of Plaintiffs, 42 American Civil Liberties Union Affiliates, in Opposition to Defendants' Motion for Transfer to District of Columbia for Consolidation)(Burke, Thomas) (Filed on 5/31/2017) (Entered: 05/31/2017)
05/31/2017	<u>21</u>	REPLY (re <u>17</u> MOTION to Stay <i>Proceedings pending decision by Judicial Panel on Multidistrict Litigation on Defendants' Motion to Transfer</i>) filed by United States

		Customs and Border Protection, United States Department of Homeland Security. (Attachments: # <u>1</u> Declaration of Chetan A. Patil)(Chetan, Patil) (Filed on 5/31/2017) (Entered: 05/31/2017)
06/06/2017	<u>22</u>	NOTICE of Filing of JPML Reply Brief by United States Customs and Border Protection, United States Department of Homeland Security. (Attachments: # <u>1</u> JPML Reply Brief)(Berns, Matthew) (Filed on 6/6/2017) Modified on 6/7/2017 (cjlS, COURT STAFF). (Entered: 06/06/2017)
06/07/2017	<u>23</u>	CLERK'S NOTICE. You are hereby notified that the 6/14/2017 hearing re <u>17</u> Motion to Stay is VACATED. The motion will be decided on the papers. (<i>This is a text-only entry generated by the court. There is no document associated with this entry.</i>) (dtmS, COURT STAFF) (Filed on 6/7/2017) (Entered: 06/07/2017)
06/07/2017	<u>24</u>	STATEMENT OF RECENT DECISION pursuant to Civil Local Rule 7-3.d filed by ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah. (Related document(s) <u>19</u>) (Burke, Thomas) (Filed on 6/7/2017) (Entered: 06/07/2017)
06/19/2017	<u>25</u>	NOTICE of Decision in Related Case by United States Customs and Border Protection, United States Department of Homeland Security. (Attachments: # <u>1</u> District of Maine Order)(Chetan, Patil) (Filed on 6/19/2017) Modified on 6/20/2017 (cjlS, COURT STAFF). (Entered: 06/19/2017)
06/21/2017	<u>26</u>	STATEMENT OF RECENT DECISION pursuant to Civil Local Rule 7-3.d filed by ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah. (Related document(s) <u>19</u>) (Burke, Thomas) (Filed on 6/21/2017) (Entered: 06/21/2017)
06/22/2017	<u>27</u>	STATEMENT OF RECENT DECISION pursuant to Civil Local Rule 7-3.d filed by United States Customs and Border Protection, United States Department of Homeland Security. (Attachments: # <u>1</u> Central District of California Order)(Related document(s) <u>17</u>) (Chetan, Patil) (Filed on 6/22/2017) (Entered: 06/22/2017)
06/22/2017	<u>28</u>	Order by Hon. Sandra Brown Armstrong denying <u>17</u> Motion to Stay Proceedings.(dtmS, COURT STAFF) (Filed on 6/22/2017) (Entered: 06/22/2017)
06/26/2017	<u>29</u>	ANSWER to Complaint by United States Customs and Border Protection, United States Department of Homeland Security. (Berns, Matthew) (Filed on 6/26/2017) (Entered: 06/26/2017)
08/03/2017	<u>30</u>	MDL ORDER Denying Transfer (jmlS, COURT STAFF) (Filed on 8/3/2017) (Entered: 08/04/2017)
08/14/2017	<u>31</u>	STIPULATION WITH PROPOSED ORDER <i>re Joint Request for Extension of ADR Deadline</i> filed by ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah. (Burke, Thomas) (Filed on 8/14/2017) (Entered: 08/14/2017)
08/15/2017	<u>32</u>	Order by Hon. Sandra Brown Armstrong granting <u>31</u> Stipulation for Extension of ADR Deadline.(dtmS, COURT STAFF) (Filed on 8/15/2017) (Entered: 08/15/2017)
08/23/2017	<u>33</u>	JOINT CASE MANAGEMENT STATEMENT filed by ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah, United States Department of Homeland Security and United States Customs and Border Protection. (Lye, Linda) (Filed on 8/23/2017) Modified on 8/24/2017 (jmlS, COURT STAFF). (Entered: 08/23/2017)
08/23/2017	<u>34</u>	STIPULATION WITH PROPOSED ORDER <i>Requesting Relief from Automatic Referral to ADR</i> filed by ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah., United States Department of Homeland Security and United States Customs and Border Protection. (Lye, Linda) (Filed on 8/23/2017) Modified on 8/24/2017 (jmlS, COURT STAFF). (Entered: 08/23/2017)
08/24/2017		Electronic filing error. There is no [Proposed] Order attached to your document as stated on the caption page. Please re-file the document with the [proposed] order or file the [proposed] order as a separate document Re: <u>33</u> Joint Case Management Statement, filed by United States Customs and Border Protection, ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah, United States Department of Homeland Security. (jmlS, COURT STAFF) (Filed on 8/24/2017) (Entered: 08/24/2017)

08/24/2017	<u>35</u>	JOINT CASE MANAGEMENT STATEMENT <i>and [Proposed] Order (Corrected)</i> filed by ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah. (Lye, Linda) (Filed on 8/24/2017) (Entered: 08/24/2017)
08/25/2017	<u>36</u>	Error, See Entry 37 Order by Hon. Sandra Brown Armstrong granting <u>34</u> Stipulation for Relief from Automatic Referral to ADR Multi-Option Program.(dtmS, COURT STAFF) (Filed on 8/25/2017) Modified on 8/25/2017 (dtmS, COURT STAFF). (Entered: 08/25/2017)
08/25/2017	<u>37</u>	Order by Hon. Sandra Brown Armstrong granting <u>34</u> Stipulation for Relief from Automatic Referral to ADR Multi-Option Program. (dtmS, COURT STAFF) (Filed on 8/25/2017) (Entered: 08/25/2017)
08/28/2017	<u>38</u>	NOTICE of Substitution of Counsel by James Bickford (Bickford, James) (Filed on 8/28/2017) (Entered: 08/28/2017)
08/30/2017	39	CLERK'S NOTICE. The Case Management Conference set for today, 8/30/2017, is OFF CALENDAR. The Court will be issuing an order resetting the date. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (dtmS, COURT STAFF) (Filed on 8/30/2017) (Entered: 08/30/2017)
08/30/2017	<u>40</u>	ORDER CONTINUING CASE MANAGEMENT CONFERENCE. Joint Status Report due by 10/6/2017. Telephonic Case Management Conference set for 10/18/2017 02:30 PM. Signed by Judge Sandra B Armstrong on 8/30/17. (dtmS, COURT STAFF) (Filed on 8/30/2017) Modified on 8/30/2017 (dtmS, COURT STAFF). (Entered: 08/30/2017)
10/06/2017	<u>41</u>	STATUS REPORT <i>(Joint)</i> by ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah. (Lye, Linda) (Filed on 10/6/2017) (Entered: 10/06/2017)
10/13/2017	<u>42</u>	<i>Joint</i> STATUS REPORT by ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah, U.S. Department of Homeland Security and U.S. Customs and Border Protection. (Burke, Thomas) (Filed on 10/13/2017) Modified on 10/16/2017 (jmlS, COURT STAFF). (Entered: 10/13/2017)
10/18/2017	43	CLERK'S NOTICE. You are hereby notified that the Telephonic Case Management Conference set for 10/18/2017 is continued to 10/26/2017 at 2:30 pm. Plaintiff's counsel is to set up the conference call with all the parties on the line and call chambers at (510) 879-3550. (No party shall contact chambers directly without prior authorization of the court.) <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (dtmS, COURT STAFF) (Filed on 10/18/2017) (Entered: 10/18/2017)
10/26/2017	<u>44</u>	Minute Entry for proceedings held before Judge Sandra Brown Armstrong: Telephonic Case Management Conference held on 10/26/2017. Court Reporter: Not Reported. (dtmS, COURT STAFF) (Date Filed: 10/26/2017) (Entered: 10/26/2017)
10/27/2017	<u>45</u>	NOTICE by United States Customs and Border Protection, United States Department of Homeland Security <i>of Filing of Orders in Parallel Cases</i> (Attachments: # <u>1</u> Exhibit Washington Order, # <u>2</u> Exhibit Michigan Order)(Bickford, James) (Filed on 10/27/2017) (Entered: 10/27/2017)
11/03/2017	<u>46</u>	ORDER. Signed by Judge Sandra B. Armstrong on 11/3/17. (dtmS, COURT STAFF) (Filed on 11/3/2017) (Entered: 11/06/2017)
11/16/2017	<u>47</u>	JOINT STATUS REPORT by United States Customs and Border Protection, United States Department of Homeland Security, ACLU of Hawai'i, ACLU of Northern California and ACLU of Utah. (Attachments: # <u>1</u> Exhibit)(Bickford, James) (Filed on 11/16/2017) Modified on 11/17/2017 (jmlS, COURT STAFF). (Entered: 11/16/2017)
11/27/2017	<u>48</u>	NOTICE by United States Customs and Border Protection, United States Department of Homeland Security <i>of Updated Processing Rate</i> (Bickford, James) (Filed on 11/27/2017) (Entered: 11/27/2017)
12/20/2017	<u>49</u>	STATEMENT OF RECENT DECISION pursuant to Civil Local Rule 7-3.d filed by ACLU of Hawai'i, ACLU of Northern California, ACLU of Utah. (Related document(s) <u>47</u>) (Burke, Thomas) (Filed on 12/20/2017) (Entered: 12/20/2017)

01/19/2018	<u>50</u>	Joint MOTION for Scheduling Order filed by United States Customs and Border Protection, United States Department of Homeland Security, ACLU of Hawai'i, ACLU of California and ACLU of Utah. Responses due by 2/2/2018. Replies due by 2/9/2018. (Attachments: # <u>1</u> Proposed Order)(Bickford, James) (Filed on 1/19/2018) Modified on 1/22/2018 (jmlS, COURT STAFF). (Entered: 01/19/2018)
01/22/2018	<u>51</u>	Order by Judge Saundra Brown Armstrong granting <u>50</u> Stipulation re Scheduling Order.(dtmS, COURT STAFF) (Filed on 1/22/2018) (Entered: 01/22/2018)
03/15/2018	<u>52</u>	JOINT STATUS REPORT by United States Customs and Border Protection, United States Department of Homeland Security, ACLU of Hawai'i, ACLU of Northern California and ACLU of Utah. (Bickford, James) (Filed on 3/15/2018) Modified on 3/16/2018 (jmlS, COURT STAFF). (Entered: 03/15/2018)
05/15/2018	<u>53</u>	STATUS REPORT (<i>Jointly Filed</i>) by United States Customs and Border Protection, United States Department of Homeland Security. (Bickford, James) (Filed on 5/15/2018) Modified on 5/16/2018 (jmlS, COURT STAFF). (Entered: 05/15/2018)
07/16/2018	<u>54</u>	STATUS REPORT (<i>Jointly Filed</i>) by United States Customs and Border Protection, United States Department of Homeland Security, ACLU of Hawai'i, ACLU of Northern California and ACLU of Utah. (Bickford, James) (Filed on 7/16/2018) Modified on 7/17/2018 (jmlS, COURT STAFF). (Entered: 07/16/2018)
09/17/2018	<u>55</u>	Joint STATUS REPORT by United States Customs and Border Protection, United States Department of Homeland Security, ACLU of Utah, ACLU of Hawai'i and ACLU of Northern California. (Bickford, James) (Filed on 9/17/2018) Modified on 9/18/2018 (jmlS, COURT STAFF). (Entered: 09/17/2018)
11/09/2018	<u>56</u>	NOTICE of Substitution of Counsel by Mollie M Lee (Lee, Mollie) (Filed on 11/9/2018) (Entered: 11/09/2018)
11/15/2018	<u>57</u>	Joint STATUS REPORT by United States Customs and Border Protection, United States Department of Homeland Security, American Civil Liberties Union of Northern California, American Civil Liberties Union of Hawaii and American Civil Liberties Union of Utah. (Bickford, James) (Filed on 11/15/2018) Modified on 11/16/2018 (jmlS, COURT STAFF). (Entered: 11/15/2018)
01/09/2019	<u>58</u>	Consent MOTION to Stay <i>Case</i> filed by United States Customs and Border Protection, United States Department of Homeland Security. Responses due by 1/23/2019. Replies due by 1/30/2019. (Attachments: # <u>1</u> Proposed Order)(Bickford, James) (Filed on 1/9/2019) (Entered: 01/09/2019)
01/11/2019	<u>59</u>	Order by Judge Saundra Brown Armstrong granting <u>58</u> Consent Motion to Stay.(dtmS, COURT STAFF) (Filed on 1/11/2019) (Entered: 01/11/2019)